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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,062	12/14/2001	Dean Stoneback	MOT-D2555	6228

24375 7590 07/02/2003

VOLPE AND KOENIG, P.C.  
DEPT. MOT  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/017,062

Applicant(s)

STONEBACK ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 38, 338, 384, 378, 386, 340, 342, 376, 360, 362, 358, 356, 384, 386. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by the application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: The inventors have not signed the Oath, only inventor's addresses have been provided.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Williams (U.S. Patent No. 5,745,836).

Referring to claim 1, Williams discloses a hub (Column 7, Lines 51-52), a domain manager (element 230 in Figure 2), a fiber optic line (Column 8, Lines 23-25), and a node located along the fiber optic line (element 170 in Figure 1).

Williams also discloses a BTP remotely located at or downstream from the node (element 140 in Figure 1), the BTP including an ingress monitoring interface connected to the HFC network to detect ingress in the HFC network downstream from the interface (element 220 in Figure 2 and Column 10, Lines 61-67 and Column 11, Lines 1-5) and a modem in communication with the domain manager to transmit detected ingress information (element 250 in Figure 2).

Referring to claim 2, Williams discloses a tap connected to the HFC network and located downstream from the node, and the ingress-monitoring interface and modem are connected to the HFC network at the tap (see element 170 connected to element 140 in Figure 2).

Referring to claim 3, Williams discloses that the tap includes an upstream-facing directional coupler and a downstream facing directional coupler, the ingress-monitoring interface being connected to the downstream-facing directional coupler and the modem being connected to the upstream-facing directional coupler (Column 7, Lines 62-67 and Figures 1 and 2).

Referring to claim 4, Williams discloses that the upstream-facing directional coupler is located downstream from the downstream-facing directional coupler (see Figures 1 and 2).

Referring to claim 5, Williams discloses a tap having an RF line to transmit RF

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signals (see element 170 in Figure 2), and upstream-facing directional coupler located on the RF line (element 363 in Figure 3), and a downstream-facing directional coupler located on the RF line (element 202 in Figure 3). For the BTP element, see lack of novelty of claim 1.

Referring to claim 6, Williams discloses that the tap includes an AC line for transmitting AC power, and the BTP receives AC power from the AC line (Column 7, Lines 66-67 and Column 8, Line 1).

Referring to claim 7, Williams discloses a telephone lead from a central office switch (element 631 in Figure 6).

Referring to claim 8, see rejection of claim 4.

Referring to claim 9, Williams discloses in an alternate embodiment that a remote point (building) can have a dedicated BTP (Column 11, Lines 42-59).

Referring to claim 11, see Figures 1-4.

Referring to claim 12, see rejection of claims 1 and 5.

Referring to claim 13, it is inherent that AC power must be converted to DC power in order for specific equipment to function properly.

Referring to claim 14, Williams discloses an amplifier at Column 9, Lines 2-4.

Referring to claim 15, see rejection of claims 1-3, and 5.

Referring to claim 16, see rejection of claim 4.

Referring to claim 17, see rejection of claim 2.

Referring to claim 18, see rejection of claims 14 and 15.

Referring to claim 19, see rejection of claim 16.

Referring to claim 20, see rejection of claim 17.

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Eldering (U.S. Patent No. 6,321,384) discloses a tap used for noise reduction in a cable television environment.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

June 26, 2003

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800